<u>REMARKS</u>

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-9 and 30-36 are pending in the application. Claims 1, 30, 32, and 34 are independent. The remaining claims depend, directly or indirectly, on claim 1. Further, new dependent claims 51-68 have been added by this response. New dependent claims 51-68 depend, directly or indirectly, from claims 1, 30, 32, and 34. Claims 2-5, 31, 33, 35, and 36 have been cancelled by this reply. In addition, please cancel non-elected claims 10-29 and 37-50.

Drawings

The Applicant respectfully requests that the Examiner indicate whether the drawings filed on September 8, 2000 are acceptable.

Amendments to the Specification

The paragraphs listed in the "Amendments to the Specification" section have been amended to correct minor typographical errors. No new matter has been added by these amendments.

Claim Amendments

Claims 1 and 4-9 have been amended to clarify the elements that make up the digital identity device. Support for these amendments may be found, for example, on pages 1 and 2 of U.S. Provisional Patent Application Serial No. 60/179,989, which is incorporated by reference in

the instant specification, as well as on pages 9-11 of the instant specification. Further, claims 30, 32, and 34, were amended to clarify the scope of the claims as well as the use of the digital identity device in each of the aforementioned claims. Support for these amendments may be found, for example, on pages 2 - 5 of U.S. Provisional Patent Application Serial No. 60/179,989, which is incorporated by reference in the instant specification, as well as on pages 11, 12, and 16 of the instant specification. No new matter has been added by these amendments.

Rejections under 35 U.S.C. §102

Claims 1-9 and 30-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,915 ("Guthery"). Claims 2-5 and 33 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to those claims. To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

The invention, as recited in amended independent claim 1, is directed to a device (referred to as digital identity device) that includes a microprocessor that has a microprocessor identity that uniquely identifies the microprocessor and a memory storing digital identity data. The digital identity data is bound to the microprocessor identity. Said another way, the microprocessor identity is associated with the digital identity data. As described in the specification and recited in the dependent claims, the microprocessor identity and the digital identity may be bound using software within the device, using operating software within the device, or using a secure operating system within the device. In addition, the microprocessor identity and the digital identity data may be bound together electrically. Further as recited in the dependent claims, the digital identity data is used to identify the holder/user of digital identity device, as such, the digital identity may be any combination of the following: a name, a digital picture, an address, a date of birth, a social security number, a driver's license number, a digital

photograph, biometric information, credit card information, bank account information, an incorporation name, a date and place of incorporation, a name of a corporate officer, a corporate partner, a database administrator name, etc. The effect of binding the microprocessor identity to the digital identity data is that the holder/owner of the device has a secure electronic means (*i.e.,* the digital identity device) to authenticate herself with other entities.

Turning to the rejection, for anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Further, for a reference to anticipate the invention, "[t]he identical invention must be shown in as complete detail as is contained in the ...claim." *See* MPEP §2131 citing *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicant respectfully asserts that Guthery does not teach or suggest the invention as recited in the claims.

Specifically, Guthery is directed to a card that includes a processor and one or more cryptographic certificates. The card disclosed in Guthery allows a user to store multiple cryptographic certificates on a single device and includes functionality to select a particular cryptographic certificate to use when transacting with a specific entity. However, while Guthery teaches a card that includes a processor and cryptographic certificates, Guthery does not teach or suggest all the elements of the digital identity device recited in amended independent claim 1. Specifically, Guthery fails to teach or suggest a device that includes a microprocessor having a *microprocessor identity* that uniquely identifies the microprocessor. In fact Guthery is completely silent with respect to a microprocessor having a microprocessor identity. The Applicant does note that Guthery teaches storing a card ID within one of the certificates stored within the card. However, the card ID merely identifies that card and does not provide any information that would uniquely identify the microprocessor residing in the card. Further,

Guthery fails to teach or suggest *binding* the microprocessor identity to any information within the device.

In view of the above, Guthery fails to teach, or suggest, the invention as recited in amended independent claim 1. Amended independent claims 30, 32, and 34 include essentially the same patentable limitations as those recited in amended independent claim 1 and, thus, are patentable over Guthery for at least the same reasons. Similarly, other dependent claims are allowable for at least the same reasons.

Further, Guthery fails to teach or suggest using software within the digital identity device to bind the microprocessor identity to the digital identity data as recited in dependent claim 7. The Examiner has asserted that the limitation recited in dependent claim 7 is taught by Guthery at col. 5, ll. 59-67. The Applicant respectfully disagrees. Specifically, the portion of Guthery cited by the Examiner teaches that the operating system may interact with the application interface (*i.e.*, a external device) in a manner that allows the application interface and operating system to authenticate each other. However, there is no teaching or suggestion of using software to bind a microprocessor identity to a digital identity data. In view of the above, amended independent claim 7 is patentable over Guthery for this additional reason. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 34-36 are rejected under 35 U.S.C. § 103 (a) as being obvious over Guthery in view of U.S. Patent No. 6,111,506 ("Yap"). Claims 35 and 36 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to those claims. To the extent that this rejection still applies to the amended claim 34, the rejection is respectfully traversed.

As discussed above, Guthery fails to teach or suggest all the limitations of amended independent claim 34. Further, Yap does not teach that which Guthery lacks. Specifically, Yap is only relied upon for teaching the encryption of documents. However, like Guthery, Yap is silent with respect to a device having a microprocessor with a microprocessor identity that uniquely identifies the microprocessor and is also silent with respect to binding the microprocessor identity to digital identity data. In view of the above, claim 34 is patentable over Guthery and Yap. Accordingly, withdrawal of this rejection is respectfully requested.
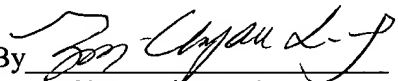
New Claims

New dependent claims 51-68 have been added by this reply. Support for the new claims may be found, for example, on pages 1 and 2 of U.S. Provisional Patent Application Serial No. 60/179,989, which is incorporated by referenced in the instant specification, as well as on pages 9-11 of the instant specification. No new matter has been added by these new claims. New dependent claims 51-68 are patentable over the cited references for at least the same reasons discussed above with respect to the independent claims from which they depend. Further, neither Guthery nor Yap teach or suggest binding a microprocessor identity to digital identity data using software within the digital identity device. (*See* claims 51, 52, 55-57, 60-62, 65-67). Specifically, Guthery does not teach or suggest binding the microprocessor identity to digital identity data using software within the digital identity device for at least the same reasons as discussed above with respect to amended dependent claim 7. Further, the Examiner did not rely on Yap to teach this limitation. In view of above, new dependent claims 51-68 are patentable over Guthery and Yap.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05452/002002).

Dated: May 9, 2005   Respectfully submitted,

By_____

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